



California Fair Political Practices Commission

November 9, 1988

The Honorable Richard D. Huffman
Associate Justice
Court of Appeal
Fourth District, Division One
6010 State Building
1350 Front Street
San Diego, CA 92101

Re: Your Request for Advice
Our File No. A-88-414

Dear Justice Huffman:

You have requested advice concerning your disclosure responsibilities under the conflict of interests provisions of the Political Reform Act.^{1/}

QUESTION

Are you required to file statements of economic interests upon leaving office as judge of the superior court and upon assuming a new office as associate justice of the court of appeal?

CONCLUSION

You are not required to file statements of economic interests upon leaving the superior court and assuming office as an associate justice because both offices have the same jurisdiction and there was no break in service.

FACTS

You have recently been elevated from the San Diego Superior Court to the Fourth Court of Appeal. There was no break in service in your transition from the San Diego Superior Court to the Court of Appeal.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Honorable Richard D. Huffman
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ANALYSIS

The Act requires judges and other public officials to file both assuming office and leaving office statements of economic interests. (Government Code Sections 87202 and 87204.) However, the Act provides an exception:

A person who completes a term of an office specified in Section 87200 and on the same day begins a term of the same office or another such office of the same jurisdiction is not deemed to assume office or leave office."

(Section 87205(b).)

The offices of superior court judge and associate justice are of the same jurisdiction within the meaning of Article 2 Chapter 7 of the Political Reform Act. Both offices have statewide jurisdiction for reporting purposes. Accordingly, because you resigned your position as superior court judge on the same day you assumed your position as associate justice, you are not required to file assuming and leaving office statements.

As an associate justice of the court of appeal your next filing obligation will be an annual statement due no later than March 1, 1989. This statement will cover the period from January 1, 1988 through December 31, 1988.

If you have any questions regarding this advice, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

Linda Moureaux

By: Linda Moureaux
Legal Documents Examiner



Court of Appeal

FOURTH DISTRICT, DIVISION ONE
6010 STATE BUILDING
1350 FRONT STREET
SAN DIEGO, CALIFORNIA 92101

CHAMBERS OF
RICHARD D. HUFFMAN
ASSOCIATE JUSTICE

FPPC
Oct 20 8 50 AM '88

October 24, 1988

California Fair Political Practices Commission
ATTN: Technical Assistance and Analysis Division
428 J Street, Suite 800
P. O. Box 807
Sacramento, CA 95804-0807

Dear Technical Division:

I have recently been elevated from the Superior Court to the Court of Appeal, Fourth Appellate District, Division One.


I have been reviewing the material sent to me by your office to determine my responsibility to file a Statement of Economic Interest (Form 721) in compliance with the Political Reform Act.

I note from the cover letter to the manual the following paragraph which reads in part: "Judges who are appointed to a higher court (such as a Municipal Court judge appointed to Superior Court, or a Superior Court judge appointed to the Court of Appeal), with no break in service, are not required to file an assuming office statement in connection with their appointment, and are not required to file a leaving office statement in connection with the court they are leaving..." I have not incurred a break in service in my transition from the Superior Court for the County of San Diego to the Court of Appeal. I assume from the guidelines in your material that I am not required to file a further statement of economic interest until that statement which is due for calendar year 1988.

If I am incorrect in so interpreting your guidelines, please let me know as soon as possible. I would be more than happy to file any further statements as may be required.

Thank you for your attention to this matter.

Very truly yours,


Richard D. Huffman
Associate Justice

RDH:sf



Court of Appeal

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